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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/148,533	09/04/1998	LELAND LESTER	98P7649US	3513

7590 08/18/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HAROLD, JEFFEREY F

ART UNIT PAPER NUMBER

2644

DATE MAILED: 08/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/148,533

Applicant(s)

LESTER ET AL.

Examiner

Jefferey F. Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 17-24 and 26 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. ***Claims 12-13 and 25*** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically claims 12 and 25 are rejected based on single means claim. In addition, a single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph.

Allowable Subject Matter

2. ***Claims 1-11, 17-24 and 26*** are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding **claim 1**, the prior art of record failed to disclose or fairly suggest a switching circuit connected to telephone and microphone connectors, the switching circuit connecting the telephone connector to the microphone connector in response to sensing a voltage greater than a predetermined threshold on the telephone line, and the switching circuit connecting the microphone connector to the alternative device

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connector when the voltage sensed on the telephone line is less than the predetermined threshold voltage.

Regarding **claim 4**, the prior art of record failed to disclose or fairly suggest a switching circuit connected to telephone and microphone connectors, the switching circuit connecting the telephone connector to the headset connector in response to sensing a voltage greater than a predetermined threshold on the telephone line, and the switching circuit connecting the headset connector to the device connector when the voltage sensed on the telephone line is less than the predetermined threshold voltage.

Regarding **claim 7**, the prior art of record failed to disclose or fairly suggest switching the microphone to the telephone line whenever the voltage is greater than a predetermined threshold voltage, and to the alternative device whenever the voltage is less than the predetermined voltage.

Regarding **claim 10**, the prior art of record failed to disclose or fairly suggest switching the headset to the telephone line whenever the voltage is greater than a predetermined threshold voltage, and to the alternative device whenever the voltage is less than the predetermined voltage.

Regarding **claim 17**, the prior art of record failed to disclose or fairly suggest a switching circuit connected to telephone connector to the microphone connector in response to recognizing a first voice command, and the switching circuit connecting the microphone connector to the device connector in response to recognizing a second voice command.

Regarding **claim 19**, the prior art of record failed to disclose or fairly suggest a switching circuit connected to telephone and microphone connectors, the switching circuit connecting the telephone connector to the microphone connector in response to sensing a high voltage on the telephone line, and the switching circuit connecting the microphone connector to the alternate device connector in response to sensing a low voltage on the telephone line, wherein the high voltage and the low voltage are defined according to predetermined voltage thresholding.

Regarding **claim 22**, the prior art of record failed to disclose or fairly suggest a process of switching for conveying of audio signals for the microphone, the microphone to the telephone line in response to the voltage being high, and to the alternative device in response to the voltage being low, the high and low being defined according to predetermined voltage thresholdings.

Regarding **claim 26**, the prior art of record failed to disclose or fairly suggest a switching circuit connected to telephone and microphone connectors, the switching circuit connecting the telephone connector to the microphone connector in response to recognizing a first voice command, and the switching circuit connecting the microphone connector to the device connector in response to recognizing a second voice command.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH

August 12, 2003



XU MEI
PRIMARY EXAMINER